

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,
vs.
MOTOROLA, INC., et al.,
Defendants.

Case No. C10-1823-JLR

DECLARATION OF CHRISTOPHER
WION IN SUPPORT OF
MICROSOFT'S MOTION FOR
SUMMARY JUDGMENT OF BREACH
OF CONTRACT

MOTOROLA MOBILITY, INC., et al.,
Plaintiffs,
vs.
MICROSOFT CORPORATION,
Defendants.

I, Christopher Wion, hereby declare as follows:

1. I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP,
one of the law firms representing Microsoft Corporation ("Microsoft") in the above-captioned
matter, and have personal knowledge of the facts stated herein.

DECLARATION OF CHRISTOPHER WION IN
SUPPORT OF MICROSOFT'S MOTION FOR
SUMMARY JUDGMENT OF BREACH OF
CONTRACT - 1

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX. (206) 623-8717

1 2. Attached hereto as Exhibit 1 is a true and correct copy of a document titled
2 MPEG-LA's Summary of AVC/H.264 License Terms that was produced in this matter under
3 Bates number MOTM_WASH1823_0092237 – MOTM_WASH1823_0092240.

4 3. Attached hereto as Exhibit 2 is a true and correct copy of MPEG-LA's list of
5 AVC/H.264 patents dated February 1, 2012 that was produced in this matter under Bates
6 number MS-MOTO_1823_00005195829 - MS-MOTO_1823_00005195920.

7 4. Attached hereto as Exhibit 3 is a true and correct copy of a document titled
8 IEEE Standards Board Bylaws dated December 1993 that was produced in this matter by IEEE
9 under Bates number IEEE-MI-MO-028676 - IEEE-MI-MO-028692.

10 5. Attached hereto as Exhibit 4 is a true and correct copy of a document titled
11 "Motorola Inc. Intellectual Property Statement on the Motorola Proposals" dated March 1,
12 1994 that was produced in this matter under Bates number MOTM_WASH1823_0000004.

13 6. Attached hereto as Exhibit 5 is a true and correct copy of a document titled
14 IEEE-SA Standards Board Bylaws dated January 2005 that was produced in this matter by
15 IEEE under Bates number IEEE-MI-MO-028860 - IEEE-MI-MO-028882.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of a document titled
17 IEEE-SA Standards Board Bylaws dated February 2006 that was produced in this matter by
18 IEEE under Bates number IEEE-MI-MO-028784 - IEEE-MI-MO-028798.

19 8. Attached hereto as Exhibit 7 is a true and correct copy of a document titled
20 "ANSI Response to Request for Information Re: Federal Agencies' Participation in Standards
21 and Conformity Assessment Issues," which was download from the Federal Trade Commission
22 website and is available as of today's date at
23 <http://www.ftc.gov/os/comments/patentstandardworkshop/00006-60456.pdf>. This document
24
25

1 has also been produced in this matter under Bates number MS-MOTO_1823_00002279217 -
2 MS-MOTO_1823_00002279228.

3 9. Attached hereto as Exhibit 8 is a true and correct copy of a Letter of Assurance
4 for Essential Patents dated April 21, 2005 from Motorola, Inc. to the IEEE regarding the
5 802.11s amendment to 802.11. This document has also been produced in this matter under
6 Bates number MOTM_WASH1823_0000025 - MOTM_WASH1823_0000026.

7 10. Attached hereto as Exhibit 9 is a true and correct copy of a Letter of Assurance
8 for Essential Patents dated August 11, 2006 from Motorola, Inc. to the IEEE regarding the
9 802.11u amendment to 802.11. This document has also been produced in this matter under
10 Bates number MOTM_WASH1823_0000029 - MOTM_WASH1823_0000030.

11 11. Attached hereto as Exhibit 10 is a true and correct copy of a document titled
12 "American National Standard (ANS) Formal Submittal Checklist" dated December 21, 2004.
13 This document has been produced in this matter by IEEE under Bates number IEEE-MI-MO-
14 005940 - IEEE-MI-MO-005942.

15 12. Attached hereto as Exhibit 11 is a true and correct copy of a document titled
16 "Guidelines for Implementation of the Common Patent Policy for ITU-T/ITU-R/ISO/IEC"
17 dated March 1, 2007. This document has also been produced in this matter under Bates
18 number MOTM_WASH1823_0053630 - MOTM_WASH1823_0053643.

19 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the
20 testimony of Kirk Dailey in the matter of *Certain Gaming and Entertainment Consoles,*
21 *Related Software, and Components Thereof*, Investigation No. 337-TA-752 taken on January 9,
22 January 18 and January 20, 2012.
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1 14. Attached hereto as Exhibit 13 is a true and correct copy of a letter dated October
2 21, 2010 from Kirk Dailey of Motorola Inc. to Horatio Gutierrez of Microsoft Corp. regarding
3 the 802.11 Patent License. This document has been previously filed with this court and has
4 also been produced in this matter.

5 15. Attached hereto as Exhibit 14 is a true and correct copy of a letter dated October
6 29, 2010 from Kirk Dailey of Motorola Inc. to Horatio Gutierrez of Microsoft Corp. regarding
7 the H.264 Patent License. This document has been previously filed with this court and has also
8 been produced in this matter.

9 16. Attached hereto as Exhibit 15 is a true and correct copy of the Direct Testimony
10 of Kirk Dailey dated September 27, 2011 in the matter of *Certain Gaming and Entertainment*
11 *Consoles, Related Software, and Components Thereof*, Investigation No. 337-TA-752.

12 17. Attached hereto as Exhibit 16 is a true and correct copy of the Rebuttal
13 Testimony of Walter Leland Rossini dated December 6, 2011 in the matter of *Certain Gaming*
14 *and Entertainment Consoles, Related Software, and Components Thereof*, Investigation No.
15 337-TA-752.

16 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the
17 deposition of K. McNeill Taylor taken on March 20, 2012 in this matter.

18 19. Attached hereto as Exhibit 18 is a true and correct copy of a document titled
19 "Patent Cross License Agreement" made between Motorola Inc. and Research in Motion
20 Limited executed on June 10, 2010. This document has also been produced in this matter
21 under Bates number MOTM_WASH1823_0025503 - MOTM_WASH1823_0025597.

22 20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the
23 30(b)(6) deposition of K. McNeill Taylor taken on March 20, 2012 in this matter.
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25

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


CHRISTOPHER WION

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Defendants Motorola Solutions, Motorola Mobility and General Instrument Corporation

Ralph Palumbo
Philip S. McCune
Lynn M. Engle
Summit Law Group

Steven Pepe
Jesse J. Jenner
Norman Beamer
Paul M. Schoenhard
Ropes & Gray

s/ Linda Bledsoe
LINDA BLEDSOE